

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

CHRIS SIDA and CSM SALES AND)
MARKETING, LLC,)
Plaintiffs,) Case No. 5:21-CV-06146-DGK
)
v.)
MARK D. MURPHY and MLF, LLC,)
Defendants.)

**ORDER GRANTING DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND AND DENYING PLAINTIFFS' MOTION TO STRIKE**

This case arises from Plaintiffs' allegations that Defendants committed legal malpractice which resulted in a Missouri state court entering default judgment against them for failure to comply with Missouri's Rules of Civil Procedure and the court's orders. Defendant Mark Murphy ("Murphy"), an attorney who has been suspended from practice by the state bars of Kansas and Missouri but to date has not been disciplined by this court, is representing both himself and his law firm, Defendant MLF, LLC ("MLF"), in this case.

Now before the Court are three motions: Defendants' motion for extension of time to respond to Plaintiffs' Complaint, ECF No. 6; Plaintiffs' motion to strike the motion for extension of time as it relates to MLF and to sanction Murphy for engaging in the unauthorized practice of law; ECF No. 7; and Defendants' motion to strike Plaintiffs' motion. ECF No. 8. These motions all turn on whether Murphy is in good standing before this Court and so may represent his corporate co-defendant, MLF, in this case.¹

¹ The Kansas Supreme Court suspended Murphy on October 16, 2020, for representing both the buyer and seller in the sale of a business that occurred in 2004. The complaint was not filed against him until 2016. The Missouri Supreme Court imposed reciprocal discipline on August 31, 2021. The Tenth Circuit decided that because of the delay in bringing the ethics charge and because Mr. Murphy rarely appeared before it, a reciprocal suspension would

The Court holds that since he has not yet been subject to reciprocal discipline by this Court, he may represent MLF in this case. Local Rule 83.5 provides that an attorney is not eligible for admission to the Bar of this District unless he or she is a member in good standing of either the Missouri Bar or the Bar of the United States District of Kansas. L.R. 83.5(a). Once admitted to the Bar of the Western District of Missouri, however, attorney discipline is governed by Local Rule 83.6. Relevant to this case, Rule 83.6 states that this Court must impose reciprocal discipline on an attorney disciplined by another court unless the Court finds doing so “would result in grave injustice” or the misconduct “warrants substantially different discipline.” L.R. 83.6(c)(3)(E). While the Court is currently considering whether to impose reciprocal discipline on Murphy, it has not yet done so. Until it does, Murphy is in good standing with this Court. Thus, while he could not be admitted to the Western District of Missouri Bar at the present time, since he has been admitted already and is still in good standing, he may represent MLF.

Accordingly, Plaintiffs’ motion to strike the motion for extension of time and sanction Murphy, ECF No. 7, is DENIED, and Defendants’ motion for extension of time, ECF No. 6, is GRANTED. Defendants shall answer or otherwise respond to the Complaint by April 5, 2022.

Finally, Defendants’ motion to strike Plaintiffs’ motion, ECF No. 8, is DENIED AS MOOT. Defendants’ related request for attorneys’ fees and costs incurred in responding to Plaintiffs’ motion is DENIED because Plaintiffs had a good-faith basis for bringing their motion.

IT IS SO ORDERED.

Date: April 20, 2022

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

have little practical effect and was not warranted under the circumstances. The United States District Court for the District of Kansas also held that a suspension would have little practical effect and declined to enter a reciprocal order of discipline, but publicly reprimanded Murphy for his behavior in the 2004 transaction.